

The 27th August, 1973

No. 8356-4-Lab-73/30057.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of Messrs Luk Auto Ancillary (India), Ltd., Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 219 of 1972

between

SHRI K. S. MAJITHIA AND THE MANAGEMENT OF MESSRS LUK AUTO ANCILLARY
(INDIA), LTD., FARIDABAD

Present :-

Shri K.S. Majithia, workman in person.

Shri O.N. Zaddo for the management.

AWARD

By order No. ID/FD/72/32627-31, dated 24th August, 1972, of the Governor of Haryana, the following dispute between the management of Messrs Luk Auto Ancillary (India), Ltd., Faridabad and its workman Shri K.S. Majithia was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri K.S. Majithia was justified and in order ? If not, to what relief is he entitled ?”.

Usual notices were given to the parties. They have arrived at an amicable settlement as per terms and conditions given in the memorandum of settlement, dated 6th August, 1973, Ex. M.1. Shri K.S. Majithia workman concerned has received payment of Rs 2,000 before the Court today through cheque and has passed on a receipt duly signed by him to the management. He has given up his right of reinstatement or re-employment. Statements of the parties have been recorded.

In view of the above, there is no dispute left between the parties and the award is made in terms of the settlement. There shall be no order as to costs.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Dated the 6th August, 1973.

No. 1855, dated the 13th August, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 8355-4-Lab-73/30059.—In pursuance of the provisions of Section 17 of the Industries Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of Messrs H.P. Industries, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA
ROHTAK

Reference No. 126 of 1972

between

SHRI JAGDISH SHARMA AND THE MANAGEMENT OF MESSRS H.P. INDUSTRIES,
FARIDABAD

Present :-

Shri Roshan Lal Sharma for the workman.

Shri S.L. Gupta, for the management.

AWARD

The following dispute between the management of Messrs H.P. Industries, Faridabad, and its workman Shri Jagdish Sharma was referred for adjudication to this Court,—vide order No. ID/FD/72/11352-56, dated 3rd April, 1972 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Jagdish Sharma was justified and in order ? If not, to what relief is he entitled ?

Usual notices were given to the parties. The management filed the written statement on the date fixed pleading that Shri Jagdish Sharma was a daily rated casual worker who had worked only up to 1st December, 1971, and had collected his full dues. The workman concerned has not filed any replication or statement of claim inspite of the fact that a number of adjournments have been given to him for this purpose. He has not even turned up to make his own statement on oath to deny the above plea of the management and pursue his claim for reinstatement and back wages. His authorised representative Shri Roshan Lal Sharma has also no instructions from him to proceed with the reference.

In view of the above, the plea raised on behalf of the management that Shri Jagdish Sharma concerned workman was only a daily rated casual worker and that he had received his full dues upto the date he worked with the management has to be accepted as true. In other words, there was no industrial dispute existing between the parties which could validly be referred for adjudication to this Court. The award is made accordingly. There shall be no order as to costs.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Dated the 7th August, 1973.

No. 1856, dated the 13th August, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 8063-4Lab-73/30081.—In pursuance of the provisions of Section 17 of the Industries Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s High Way Engineering (P) Ltd., Bahadurgarh (Rohtak).

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 42 of 1972

between

SHRI KARTAR SINGH AND THE MANAGEMENT OF M/S HIGH WAY ENGINEERING (P) LTD.,
BAHADURGARH (ROHTAK)

Present :

Shri B.R. Grover for the management.
Nemo for the workman.

AWARD

By order No. ID/R.K./85-A-71/2095, dated 27th January, 1972 of the Governor of Haryana the following dispute between the management of M/s High Way Engineering (P) Limited, Bahadurgarh (Rohtak) and its workman Shri Kartar Singh was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Kartar Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference usual notices were given to the parties. The management filed the written statement on 10th July, 1972 contending that Shri Kartar Singh concerned workman had never been in their service. My learned predecessor framed the following two issues :—

- (1) Whether the applicant was in the service of the respondent ?
- (2) If issue No. 1 is proved whether the termination of the services of the applicant was justified and in order ? If not to what relief he is entitled ?

On 5th October, 1972 Shri Rajinder Singh authorised representative of Shri Kartar Singh concerned workman made a statement admitting the above plea of the management that the demand notice leading to the present reference had in fact been given to Shri Nand Kishor, Contractor C/o M/s High Way Engineering (P) Ltd., Bahadurgarh (Rohtak), but in the order of reference his name had been omitted altogether. He further undertook to approach the State Government for necessary correction in the order of reference which has not yet been done in spite of getting several adjournments for the purpose. No ground for further adjournment has been made out.

From the facts stated above, it is clear that Shri Kartar Singh concerned workman is not an employee of M/s High Way Engineering (P) Ltd., Bahadurgarh (Rohtak) nor had the demand in question been raised on this management. His employer, according to his own showing, is Shri Nand Kishor, Contractor and the dispute, if any, could be referred to this court for adjudication by impleading Shri Nand Kishor as a party to the case. The reference of the sput against M/s High Way Engineering (P) Ltd., Bahadurgarh (Rohtak) on the admitted facts stated above is manifestly bad in law and without jurisdiction and as such cannot proceed. The award is made accordingly. There shall however, be no order as to costs. The workman concerned may seek his remedy by proceeding against his real employer, as advised.

Dated 3rd August, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1836. dated 3rd August, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

S. N. BHANOT,
Commissioner for Labour and Employment, and
Secretary to Government, Haryana.